IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL REVISION APPLICATION No 389 of 1993

For Approval and Signature:

Hon'ble MR.JUSTICE D.H.WAGHELA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

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NAYNABEN (RANJAN) VYAS

Versus

JAYANT ILAL BHIKHALAL

Appearance:

1. Criminal Revision Application No. 389 of 1993

MR HN JOSHI for MR PM THAKKAR for Petitioner No. 1
MR KB PADIA for Respondent No. 1-2
MR IM PANDYA, APP, for Respondent No. 3

CORAM : MR.JUSTICE D.H.WAGHELA

Date of decision: 20/06/2002

ORAL JUDGEMENT

The learned counsel Mr H.N. Joshi appearing for learned Senior Counsel, Mr P.M. Thakkar, submitted that

the cause of action for the petitioner has ceased to survive in view of the fact that the petitioner and respondents have resolved their family dispute and have since long started living together. Accordingly, the question of custody of the child is also resolved and in fact minor child is living together with both his parents. He further submitted that due to continued absence of the learned counsel, Mr K.B. Padia on account of sickness or otherwise, this Court has by the earlier dated 19.4.2002 issued special notice to the respondents nos.1 and 2 so that they can make necessary arrangement and it is also made clear that, otherwise ignoring the sick-note of Mr Padia the Court should proceed on merits. Pursuant to that order and service of notice upon the respondents, Shri Jayantilal Bhikhalal Vyas and Shantaben Bhikhabhai Vyas, respondents nos.1 and 2 respectively, are present in the Court along with the petitioner and they have identified themselves as such. Upon being explained the substance of Mr H.N. Joshi's submission in the vernacular language, they agreed and stated that the disputes and cause of action in fact are not surviving and requested that the application may be disposed of accordingly.

2 In the above facts and circumstances, the revision application is disposed of as withdrawn. Rule is discharged. No order as to costs.

(D.H. Waghela, J.)

(mohd)